IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1750 of 1982

Date of Decision: 21.7.2004

UNITED INDIA INSURANCE CO. LTD

VERSUS

INDUBEN BHIKHALAL JOSHI AND OTHERS

(for full cause title, see next sheet)

Coram:

The Hon'ble Mr.Justice Bhawani Singh, Chief Justice

The Hon'ble Mr.Justice H.K.Rathod, Judge

Whether approved for reporting?

For the Respondent-1-7 Mr.Adv.G.H.BHATT
For the Respondent-9 Mr.Adv.P.S.CHAMPANERI

PER: HON'BLE THE CHIEF JUSTICE (ORAL):-

This appeal arises out of the common award passed by the Motor Accident Claims Tribunal [Auxiliary], Surendranagar dated October 16, 1981. First Appeals arising of other claims, covered by this award viz. First Appeal Nos.1432, 1433, 1749, 1751 and 1752 of 1982 have been decided by Court order dated March 23, 1983

Whether reporters of Local Papers may be allowed to see the Judgment?

whereby, these appeals have been dismissed. In these appeals, it is held that liability of Insurance Company is limited to Rs.50,000/-. This finding has not been assailed by the appellant, therefore, becomes final. This appeal was not dismissed since amount involved in this appeal was more than Rs.50,000/- and Insurance Company disputed liability beyond this amount.

2. After hearing Counsel for both the sides, without going into facts since there is no dispute on them, we proceed to dispose the matter holding that like other appeals referred to above, liability of Insurance Company is limited to Rs.50,000/- which shall be paid by it and remaining amount of award viz. Rs.32,000/- shall be paid by owner of vehicle [respondent-9]. The amount has been invested. It be paid to the claimants along with interest accrued thereon and balance be refunded to the Insurance Company. Rs.32,000/-be paid by the insured along with interest from the date of application till payment at the rate of 6 %, within two months.

Appeal stands disposed of accordingly. Cost on parties.

[Bhawani Singh]
Chief Justice

Date : 21.7.2004 [H.K.Rathod]
Judge
#kailash#